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PEPPER HAMILTON LLP
ONE MELLON CENTER, 50TH FLOOR
500 GRANT STREET
PITTSBURGH, PA 15219

In re Application of STEADMAN
U.S. Application No.: 10/595,828
PCT Application No.: PCT/GB2004/004353
Int. Filing Date: 14 October 2004
Priority Date Claimed: 18 November 2003
Attorney Docket No.: RC.00101
For: POLYMER COMPOSITION FOR
ENCAPSULATING A CHEMICAL AGENT
COMPRISING AN OXIRANE COMPOSITION

DECISION

This is in response to applicant's "Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 31 July 2008.

BACKGROUND

On 14 October 2004, applicant filed international application PCT/GB2004/004353, which claimed priority of an earlier United Kingdom application filed 18 November 2003. A copy of the international application was communicated to the USPTO from the International Bureau on 16 June 2005. The thirty-month period for paying the basic national fee in the United States expired on 18 May 2006.

On 15 May 2006, applicant filed purported national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was not accompanied by the basic national fee required by 35 U.S.C. 371(c)(1).

On 19 May 2006, international application PCT/GB2004/004353 became abandoned as to the United States for failure to timely pay the basic national fee.

On 31 July 2008, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 14 October 2004, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 31 July 2008.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.



Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459